



Paper No. 6

MCI WORLDCOM, INC.  
TECHNOLOGY LAW DEPARTMENT  
1133 19TH STREET NW  
WASHINGTON, DC 20036

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**OFFICE OF PETITIONS**

In re Application of  
John K. Gallant, et al.  
Application No. 09/768,068  
Filed: January 22, 2001  
Attorney Docket No. RIC00018

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DECISION GRANTING PETITION

This is a decision on the communication styled "Request for Corrected Filing Receipt" filed September 7, 2001, which is being treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of January 22, 2001, instead of the presently accorded date of January 23, 2001.

Petitioners allege that the application was deposited in "Express Mail" service with the U. S. Postal Service, on January 22, 2001. In support, petitioners provide a copy of the Express Mail label, receipt no. EL063963500US, showing a Date-In of January 22, 2001. The same Express Mail receipt number was referred to in the original transmittal letter found in the file. Petitioners request that the application be accorded a filing date of January 22, 2001.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. The evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on January 22, 2001.

The petition is granted.

The application is being returned to Initial Patent Examination Division (OIPE) for correction of the filing date to **January 22, 2001**.

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Assistant Commissioner  
for Patent Policy and Projects